

Congress of the United States
Washington, DC 20515

February 10, 2020

The Honorable George Ervin “Sonny” Perdue III
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Purdue:

As members of the New York State delegation, we write in strong opposition to the United States Department of Agriculture’s (USDA) proposed rule, published on January 23, 2020, titled “Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs” (Docket No. FNS-2020-00926). This proposed rule runs counter to the improved nutritional standards implemented in our nation’s school meals and puts at risk the health of future generations.

New York State is a substantial beneficiary of these programs, as there are more than 220 million free lunches and more than 118 million free breakfasts served each year to students. These are often the only nutritious meal a student will have that day. It is paramount that the standards implemented by the bipartisan *Healthy, Hunger-Free Kids Act of 2010* are not weakened. Roll backs to the standards as written in the proposed rule are a clear risk to the health and well-being of our state and nation’s students.

USDA’s School Nutrition and Meal Cost Study published in April 2019 found that the mean Healthy Eating Index (HEI) for School Breakfast Program (SBP) increased from 49.6 in School Year (SY) 2009-2010 to 71.3 in SY 2014-2015.¹ This overall increase in HEI was due in no small part to the one cup of fruit standard in SBP breakfasts.² Peer reviewed research found that following implementation of new FDA regulations on nutrition standards and the passage of the Healthy, Hunger-Free Kids Act, fruits were among the most popular foods chosen by students in school,³ due in large part to their increased availability.

Flexibility in SBP Fruit Component

In response to the proposed rule changes to the SBP, we are troubled by the decision to allow a reduction from one cup of fruit to one-half cup of fruit based on the setting of consumption in a cafeteria versus non-cafeteria. We understand that the Offer Versus Serve (OVS) option is one that many schools and school food authorities (SFAs) choose, but we do not see the benefit of

¹ Fox, M.K., Gearan, E., United States Department of Agriculture Food and Nutrition Service. (2019). *School Nutrition and Meal Cost Study: Summary of Findings*. https://fns-prod.azureedge.net/sites/default/files/resource-files/SNMCS_Summary-Findings.pdf; “Maximum scores for the components range from 5 to 20, and the total score, computed by summing scores for each of the 12 components, has a maximum of 100. For both total and component scores, higher scores reflect better conformance with Dietary Guidelines for Americans recommendations and higher nutritional quality.”

² Id. “Between SY 2009–2010 and SY 2014–2015, the score for whole fruit increased from 50 to 89 percent of the maximum score,”

³ Schwartz MB, Henderson KE, Read M, Danna N, Ickovics JR. New school meal regulations increase fruit consumption and do not increase total plate waste. *Child Obes.* 2015;11(3):242–247. doi:10.1089/chi.2015.0019

cutting by 50 percent the current fruit serving requirement. We should not work to actively undermine the nutritional quality of SBPs and innovative means by which we deliver healthy and high-quality foods to students. This proposal would reduce the amount of fresh fruits available to students for breakfast and would permit substitutions for less healthy options in place of fruit.

Flexibilities for NSLP Vegetable Requirement

We are also deeply troubled by the USDA's decision to significantly reduce the required amount of red/orange vegetables offered during a school week under the guise of reducing food waste and operational complexities. This reduction in required red/orange vegetables consumption for certain age groups provides schools "flexibility" to offer students less nutritious vegetables as a substitute. Additionally, this also contradicts the USDA's own findings in its April 2019 School Nutrition and Meal Cost Study report, which shows that the HEI of lunches increased due a higher concentration of vegetables.⁴

These changes appear to follow a troubling trend by the department. Last year USDA had finalized a rule that would, among other changes, delay the implementation of lower sodium levels in school lunches until SY 2024-2025 and reduced the overall required amounts of whole grains offered to students.⁵ Studies have shown that reducing sodium levels and increasing whole grain consumption will reduce the rate of obesity as well as the risk of cardiovascular disease.⁶

Add Buy American to the General Areas of the Administrative Review

Although we appreciate this rule change, it seems counterproductive to say, "Buy American", while also cutting requirements in fruit and vegetables that come from American agricultural producers. As representatives of New York State, we are proud of our agricultural industry. Throughout New York in each congressional district, students benefit from local Farm to School programs where healthy, vibrant, and nutritious local produce is purchased by SFAs and widely incorporated into healthy and nutritious school meals. According to the New York State Department of Education, 87 percent of schools participate in local Farm to School programs serving 1,131,734 students.⁷ This proposed rule to reduce serving amounts for fruits and certain vegetables, while also allowing the substitution of less healthy alternatives, will have an adverse effect on New York's agricultural industry.

Therefore, as members of the U.S. House of Representatives representing New York, we are deeply concerned with these current proposed rule changes and urge the USDA to consider their withdrawal.

Respectfully,

⁴ United States Department of Agriculture, United States Department of Agriculture Food and Nutrition Service. (2019). *School Nutrition and Meal Cost Study*. Retrieved from https://fns-prod.azureedge.net/sites/default/files/resource-files/SNMCS_Summary-Findings.pdf.

⁵ 83 FR 63775, <https://www.federalregister.gov/documents/2018/12/12/2018-26762/child-nutrition-programs-flexibilities-for-milk-whole-grains-and-sodium-requirements>.

⁶ Kogan, Rachel, *Health Affairs*, "Rollback of Nutrition Standards Not Supported by Evidence"; <https://www.healthaffairs.org/doi/10.1377/hblog20190312.130704/full/>.

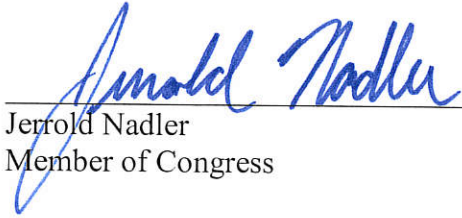
⁷ <https://news.cornell.edu/stories/2019/11/farm-school-grows-ny-ag-sows-seeds-healthy-eating>.



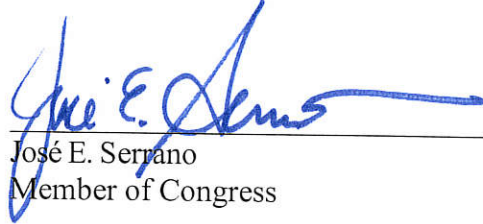
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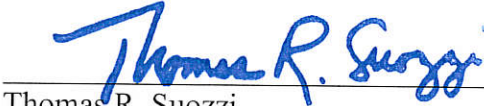
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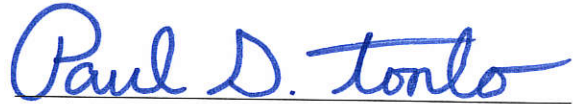
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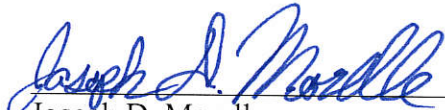
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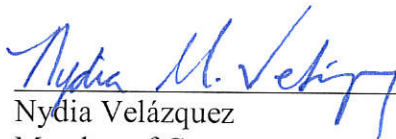
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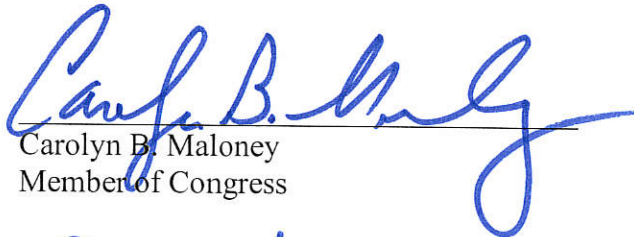
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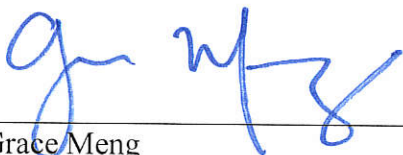
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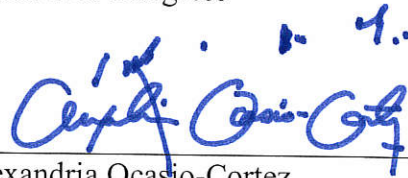
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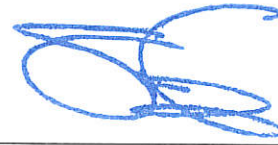
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